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MISSOULA, MT

2007 MAY 16 AM 11 08

PATRICK E. DUFFY  
BY \_\_\_\_\_  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CAUSE NO. CR 06-2-M-DWM

FINDINGS & RECOMMENDATION  
CONCERNING PLEA

SHAUN MICHAEL MERCER,

Defendant.

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The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of illegal re-entry of a deported alien, in violation of 8 U.S.C. § 1326(a), as set forth in the Indictment.

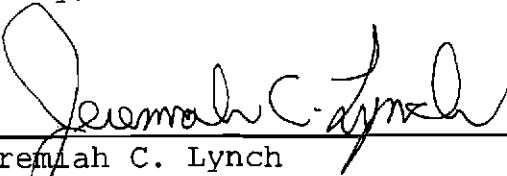
After examining the Defendant under oath, the Court determined that the guilty plea was knowingly, intelligently, and voluntarily entered; that the Defendant fully understands his constitutional rights and the extent to which such rights are waived; and that the offense charged and to which a guilty plea was entered contained each of the essential elements of the

offense.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. I recommend that the Defendant be adjudged guilty and that sentence be imposed.<sup>1</sup> A presentence report has been ordered.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 16<sup>th</sup> day of May, 2007.

  
\_\_\_\_\_  
Jeremiah C. Lynch  
United States Magistrate Judge

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<sup>1</sup> Objections to these Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P. 59(b)(2).